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July 5, 1979
NUMBER 5545.3

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Department of Defense Instruction ASD(C)

SUBJECT: DoD Procedures for Congressional Authorization and Appropriation Actions

References: (a) DoD Instruction 5545.3, "Review and Implementation of Congressional Actions on Authorization and Appropriation Acts Affecting DoD and Related Congressional Reports," September 19, 1974 (hereby canceled)

(b) DoD Directive 5545.2, "Review and Implementation of Congressional Actions on Authorization and Appropriation Acts Affecting DoD and Related Congressional Reports," September 19, 1974

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A. REISSUANCE AND PURPOSE

This Instruction reissues reference (a); establishes the procedures for handling Congressional action items; and prescribes uniform procedures to be followed by DoD Components assigned responsibility in reference (b) for:

1. Reviewing and identifying specific recommendations contained in House, Senate, and Conference Reports on the Authorization and Appropriation Acts listed in enclosure 1, and for taking positive action on each recommendation, to include the development and issuance of policy directives, instructions, and any other action required by these reports.

2. Identifying subject matter on which information must be furnished to the Congress, and developing the data in such a manner as to respond fully to the Congressional request.

3. Implementing, through appropriate media, the General Provisions of the Authorization and Appropriation Acts listed in enclosure 1, and maintaining central control of actions taken as a result of recommendations in these Acts and related Congressional reports.

B. APPLICABILITY

The provisions of this Instruction apply to the Office of the Secretary of Defense (OSD), the Military Departments, the Organization of the Joint Chiefs of Staff (OJCS), and the Defense Agencies (hereafter referred to as "DoD Components").

C. DEFINITION

As used herein, the term "Principal Staff Assistants" means the Under Secretaries of Defense, the Assistant Secretaries of Defense, the General Counsel, DoD, and the Assistants to the Secretary of Defense.

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D. PROCEDURES AND RESPONSIBILITIES

1. General

a. After extracting the action items and before preparing transmittal statements, each DoD Component shall coordinate informally with the Assistant Secretary of Defense (Comptroller) (ASD(C)) to verify that all relevant items have been selected.

b. The ASD(C) shall conduct a joint session with the Military Departments and those OSD offices having primary interest (principally the Under Secretary of Defense for Research and Engineering, Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics), and Assistant Secretary of Defense (Program Analysis and Evaluation)) to determine the DoD Component to be assigned primary responsibility for action on each item, and to prepare the statements of action taken and DoD position statements.

c. When action applies to a DoD Component other than the Component assigned primary action, the Component may respond on that portion of the action that affects its own activities by submitting a transmittal statement to the office having primary responsibility within 10 calendar days of receipt of action assignments from the ASD(C).

2. The Secretaries of the Military Departments and the Directors of Defense Agencies shall:

a. Upon issuance of the Congressional reports related to Authorization and Appropriation Acts affecting the Department of Defense, review each report thoroughly to identify specific action items, extract pertinent information containing views of the Congress on the operations of the Military Department/Defense Agency, and submit a statement informally to the ASD(C). Particular emphasis shall be placed on directed or suggested actions. When applicable, reference shall be made to similar actions in prior years. General Provisions are excluded from the Military Department/Defense Agency review.

b. Prepare a statement for transmittal to the ASD(C) containing action taken and, when appropriate, a DoD position on those assigned items that require action at the Military Department/Defense Agency level. Submit these statements to the ASD(C) in accordance with the instructions and format prescribed in enclosures 2 and 3 and within the time schedule established in section E.

3. The Principal Staff Assistants and the Chairman of the Joint Chiefs of Staff shall:

a. As office of primary responsibility, review action statements proposed by the Military Departments/Defense Agencies, including a determination as to whether the action or DoD position is consistent

with existing policy, and, if not, whether existing policy needs to be changed or the proposed policy disapproved. This shall include coordination with appropriate OSD/OJCS offices.

b. Prepare a statement for transmittal to the ASD(C) summarizing the action taken by the Military Departments/Defense Agencies and, when appropriate, a DoD position for approval by the Secretary of Defense. The instructions and format prescribed in enclosures 2 and 3 shall be followed.

c. Prepare a statement for transmittal to the ASD(C) containing action taken and, when appropriate, a DoD position for approval by the Secretary of Defense on assigned General Provisions and on those assigned action items that require action at the OSD/OJCS level but not at the Military Department/Defense Agency level. The instructions and formats prescribed in enclosures 2, 3, and 4 shall be followed.

d. Prepare the necessary DoD issuances or policy statements required to implement the policy decisions of the Secretary of Defense and the General Provisions of the Authorization and Appropriation Acts.

4. The Assistant Secretary of Defense (Comptroller) shall:

a. Independent of the review conducted by the other DoD Components, review each Authorization and Appropriation Act and related Congressional reports to identify specific action items to be extracted by the OSD, the OJCS, the Military Departments, and the Defense Agencies.

b. Serve as the central point to receive all submissions under paragraph D.2.a.

c. Assign to the OSD/OJCS office of primary responsibility all General Provisions and those action items that require action at the OSD/OJCS level but not at the Military Department/Defense Agency level, and assign those action items requiring action by the Military Departments/Defense Agencies.

d. Furnish the office of primary responsibility 2 copies of the General Provision that requires review to determine if there is any change to the "action taken" statement for the previous year. Any changes that are necessary may be made on the copy furnished. If the General Provision is new, the "action taken" statement shall contain an implementing statement. There is no necessity to retype the General Provision language.

e. Upon receipt of action statements proposed and submitted by the Military Departments/Defense Agencies, verify that relevant items have been included, and then forward to the OSD/OJCS office of primary responsibility.

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f. Coordinate and consolidate statements of action taken and DoD position statements for official dissemination indicating Secretary of Defense approval.

g. Furnish a complete set of statements of actions and DoD position reflecting Secretary of Defense approval to appropriate officials of the Department of Defense, General Accounting Office, and to members of the Congressional Committees.

h. Ensure that the Assistant to the Secretary (Legislative Affairs) receives statements of action and DoD position statements as required for inclusion in the Secretary of Defense Congressional Reference Book.

i. Maintain a complete central control record of action items being processed, and monitor the implementation of this Instruction.

E. DUE DATES

To have an approved DoD position for use in Congressional Hearings and other policy determinations, this time schedule shall be followed:

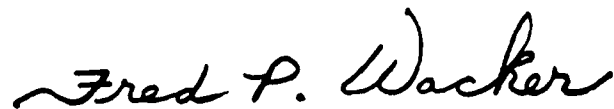
1. Military Departments/Defense Agencies and OSD/OJCS staff offices shall transmit the action statements, described in paragraphs D.2.b. and D.3.c., to the ASD(C) as directed by the ASD(C).

2. OSD/OJCS staff offices shall finalize and transmit the action statements, described in paragraph D.3.b., to the ASD(C) within 8 calendar days after receipt.

3. General Provisions, described in paragraph D.3.c., shall be finalized and returned to the ASD(C) within 10 calendar days after receipt.

F. EFFECTIVE DATE AND IMPLEMENTATION

This Instruction is effective immediately. Forward two copies of implementing instructions to the Assistant Secretary of Defense (Comptroller) within 120 days.



Fred P. Wacker
Assistant Secretary of Defense
(Comptroller)

Enclosures - 4

1. List of Authorization and Appropriation Acts Affecting DoD, and Related Congressional Reports for Review and Implementation
2. Instructions for Preparing Action Statements
3. Sample Format--Action Statements Other than General Provisions
4. Sample Format--Action Statements--General Provisions

LIST OF AUTHORIZATION AND APPROPRIATION ACTS AFFECTING DOD,
AND RELATED CONGRESSIONAL REPORTS FOR REVIEW AND IMPLEMENTATION

A. CONGRESSIONAL ACTIONS

House of Representatives, Senate, and Conference Committees'
Reports:

Department of Defense Appropriation Authorization Act

Department of Defense Appropriation Act

Military Construction Authorization Act

Military Construction Appropriation Act

Supplemental Appropriation Authorization Acts (Department of
Defense)

Supplemental Appropriation Acts (Department of Defense)

Concurrent Resolutions on the Budget

Budget Rescission Bills

B. GENERAL PROVISIONS

Department of Defense Appropriation Authorization Act

Department of Defense Appropriation Act

Military Construction Authorization Act

Military Construction Appropriation Act

Supplemental Appropriation Authorization Acts (Department of Defense)

Supplemental Appropriation Acts (Department of Defense)

INSTRUCTIONS FOR PREPARING ACTION STATEMENTS

1. The formats for preparing action statements are shown in the following enclosures:

Enclosure 3, Other than General Provisions
Enclosure 4, General Provisions

2. Action statements pertaining to items other than General Provisions shall include a listing of references to the applicable Congressional reports and a narrative summary of the "Recommendation or Action Indicated by Congressional Committee(s)." The title shall be selected as descriptive of the subject matter. Action statements pertaining to General Provisions shall include a verbatim extract of the provision.

3. Statements of action taken, or DoD position, shall be prepared in the same type of language used for preparing witness statements; that is, succinct and directly responsive to the point at issue and suitable for use by the Secretary and Deputy Secretary of Defense, the Secretaries of the Military Departments, and other officials in appearances before Congressional Committees.

4. Directives, regulations, or other official promulgations and studies that pertain to the action, shall be referred to or quoted in the action statement. Copies of such referenced items shall be attached to both the General Provision and action item statements.

5. Statements shall be single spaced and prepared on 8 by 10-1/2 inch paper with 1-inch top and left margins and 1/2-inch bottom and right-hand margins. Organization, preparer's name and extension, and date of preparation should appear in the lower right-hand corner of each statement. Originating office and other reviewing offices that make a substantive change shall be listed. All action statements shall be unclassified; classified material may be submitted to serve as back-up data.

6. Forward 2 copies of the General Provision and an original and 2 copies of each action item statement with the appropriate enclosures to the Assistant Secretary of Defense (Comptroller) by transmittal memorandum signed at the level designated in implementing instructions.

SAMPLE FORMAT

ACTION STATMENTS OTHER THAN GENERAL PROVISIONS

DLGN 41 AND 42 NUCLEAR FRIGATES

House Budget Committee Report, First Concurrent Resolution, Page 36
House Armed Services Committee Report, Pages 35-40
Conference Armed Services Committee Report, Pages 27, 28, 42
House Appropriations Committee Report, Second Supplemental (1978) Page 5
House Appropriations Committee Report, Page 174
Senate Appropriations Committee Report, Pages 22, 159-161
House Appropriation Committee Report, Military Construction, Page 2
P.L. 95-485, Appropriation Authorization Act, Section 203

Recommendation or Action Indicated by Congressional Committee(s)

The President's FY 1974 budget did not include a request for authorization for Nuclear Powered Frigates (DLGN). In its report each year, for the past 8 years, the HASC has presented in detail its reasons for believing it is necessary for the security of the United States that the Navy be provided with nuclear frigates to accompany nuclear carriers. The Committee feels that additional nuclear frigates are needed. The House authorized advance procurement funds in the amount of \$79 million to provide long lead-time items for the nuclear frigates DLGN 41 and DLGN 42. The Senate receded from its position and accepted the House authorization. In addition, the Senate accepted the restrictive language providing that the \$79 million could be used only for the procurement of long lead-time items for the DLGNs 41 and 42. That language further provided that contracts for these long lead-time items be entered into as soon as practicable unless the President fully advises the Congress that the construction of these vessels is not in the National interest.

Action Taken

The FY 1974 program has been placed on contract and the FY 1975 President's Budget requests \$244.3 million to fully fund DLGN-41 and to provide additional advance procurement funding for DLGN-42. Funds to complete DLGN-42 are programmed in FY 1976.

DoD Position

(Include appropriate statement when applicable)

OASD(C))DASD(P/B)¹
S.KETTERING, x72124
3/20/74²

¹Enter on last page only.

²Month/Day/Year - in numbers only

(NOTE: Omit page numbers when submitting final format)

SAMPLE FORMAT

ACTION STATEMENTS -- GENERAL PROVISIONS

GENERAL PROVISIONS
DEPARTMENT OF DEFENSE APPROPRIATION ACT, 1974
PL 93-155, November 16, 1973

SURVIVOR BENEFIT PLAN-AMENDMENT

Section 804. Section 3(b) of Public Law 92-425 (86 Stat. 711) is amended by --

- (1) striking out in the first sentence "before the first anniversary of that date" and inserting in lieu thereof "at any time within eighteen months after such date", and
- (2) striking out in the second sentence "before the first anniversary of" and inserting in lieu thereof "at any time within eighteen months after".

Action Taken

Section 804 of the Department of Defense Appropriation Authorization Act for FY 1974 extended for 6 months (until March 20, 1974) the period within which retired members of the uniformed services could elect to participate in the Survivor Benefit Plan. The Military Departments have publicized the extension to enable potential participants to elect into the Plan.

The provision will be fully executed on March 20, 1974.

OASD(MRA&L)MPP
MAJ. JONES, X54132
2/4/74¹

¹Month/Day/Year - in numbers only

NOTE: "DoD Position" is not required.

C, DoD
697 1101

DEPARTMENT OF DEFENSE DIRECTIVES SYSTEM TRANSMITTAL

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DATE

August 6, 1980

DISTRIBUTION

5500 series

ATTACHMENTS

Enclosures 2, 3, and 4 of DoD Instruction 5545.3, 7/5/79

INSTRUCTIONS FOR RECIPIENTS

The following page changes to DoD Instruction 5545.3, "DoD Procedures for Congressional Authorization and Appropriation Actions," dated July 5, 1979, have been authorized:

PAGE CHANGES

Remove: Enclosures 2, 3, and 4 of basic Instruction

Insert: Attached replacement pages

Changes that appear on enclosure 2 are indicated by marginal asterisks.
Enclosures 3 and 4 have been completely revised.

EFFECTIVE DATE

The above changes are effective immediately.

O. J. Williford
O. J. WILLIFORD, Director
Correspondence and Directives
Washington Headquarters Services
Department of Defense

WHEN PRESCRIBED ACTION HAS BEEN TAKEN, THIS TRANSMITTAL SHOULD BE FILED WITH THE BASIC DOCUMENT

SD FORM 106-1
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INSTRUCTIONS FOR PREPARING ACTION STATEMENTS

1. The formats for preparing action statements are shown in the following enclosures:

Enclosure 3, Improvement Needed in DoD Budgeting Justification Material
Enclosure 4, General Provisions

2. Action statements pertaining to items other than General Provisions shall include a listing of references to the applicable congressional reports and a narrative summary of the "Recommendation or Action Indicated by Congressional Committee(s)." The title shall be selected as descriptive of the subject matter. Action statements pertaining to General Provisions shall include a verbatim extract of the provision.

* 3. Appropriate statements of action taken or DoD position shall be included, *
* when applicable, and prepared in the same type of language used for preparing *
* witness statements; that is, succinct and directly responsive to the point at *
the issue and suitable for use by the Secretary and Deputy Secretary of Defense, *
the Secretaries of the Military Departments, and other officials in appearances *
before congressional committees.

4. Directives, regulations, or other official promulgations and studies that pertain to the action shall be referred to or quoted in the action statement. Copies of such referenced items shall be attached to both the General Provisions and action item statements.

* 5. Statements shall be single spaced and prepared on 8½ by 11-inch paper with *
* 1-inch top and left margins and 1-inch bottom and right margins. Organization, *
* date of preparation, preparer's name, and extension should appear in the lower *
* right-hand corner of the last page of each statement, with the month/day/year *
* shown in numbers only. Originating office and other reviewing offices that *
make a substantive change shall be listed. All action statements shall be un- *
classified; classified material may be submitted to serve as back-up data.

6. Forward two copies of the General Provisions and an original and two copies of each action item statement with the appropriate enclosures, to the Assistant Secretary of Defense (Comptroller) by transmittal memorandum signed at the level designated in implementing instructions.

SAMPLE FORMAT

IMPROVEMENT NEEDED IN DOD BUDGETING
JUSTIFICATION MATERIAL

House Budget Committee Report, First Concurrent Resolution, Page 36
House Armed Services Committee Report, Pages 35-40
Conference Armed Services Committee Report, Pages 27, 28, 42
House Appropriations Committee Report, Second Supplemental (1979) Page 5
House Appropriations Committee Report, Page 174
Senate Appropriations Committee Report, Pages 22, 159-161
House Appropriations Committee Report, Military Construction, Page 2
P.L. 95-485, Appropriation Authorization Act, Section 203

Recommendation or Action Indicated by Congressional Committees

The committee and its staff spend a great deal of time reviewing the voluminous detailed justification material provided by the Department of Defense for the various appropriation requests. With the exception of the operation and maintenance (O&M) area, the justification books are reasonably standardized across the Services. Unfortunately, this one unstandardized O&M area involves over \$40 billion annually and the committee finds it virtually impossible to make comparisons from one Service to another due to the lack of standardization in justification material. As a result, the committee requests that the Department of Defense standardize the format to that currently used by the Navy and submit the O&M supporting justification material for FY 1981 in a standardized format.

The committee also believes that improvements could be made in DoD's Five-Year Defense Program structure to facilitate the committee's review of the annual budget request. The committee requests that the Department of Defense thoroughly review such differences and provide a common basis across the Services for the committee's comparison and review for FY 1981.

Action Taken

The Military Departments have been instructed to develop program packages for inclusion in the FY 1981, O&M appropriations that are comparable in scope, detail, and format with that utilized by the Navy in its FY 1980 Congressional Justification Book.

DoD Position

The Department of Defense recognizes the benefits, and supports efforts to standardize justification material. However, due to differences in

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the management structure and information systems of the Military Services, the Department of Defense does not believe it practical nor desirable to achieve total consistency on a common basis across all Services for all programs.

OASD(C))DASD(P/B) P&S
12/15/80
S. Kettering, x72124

NOTE: Omit page numbers when submitting final format

#First amendment (Ch 1, 8/6/80)

SAMPLE FORMAT

GENERAL PROVISIONS
DEPARTMENT OF DEFENSE APPROPRIATION ACT, 1980
P.L. 96-154, December 21, 1979

OBLIGATION LIMITATION

Sec. 719. Not more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of civilian components or summer-camp training of the Reserve Officers' Training Corps.

Action Taken

This section is similar to Section 819 of the Department of Defense Appropriation Act, 1979. A similar provision has appeared in Defense Appropriation Acts since 1953.

Implementation of this provision by the Military Departments and Defense Agencies was accomplished by OASD(C) memorandum of October 13, 1978, requesting that each year the July report on Appropriation Status by Fiscal Year Program and Subaccounts provide a certification that each Service or Agency has complied with Section 819.

OASD(C)DASD(P/B) P&S
1/21/80
S. Kettering, x72124

NOTE: "DoD Position" is not required.

#First amendment (Ch 1, 8/6/80)